

RE: Response to Mediation:

From: **Ellen Sacco** (esacco@AttorneysForBusiness.com)
Sent: Mon 4/05/10 4:01 PM
To: 'Mark Bochra' (mbochr2@live.com)

I know what the Court order says.

Are you refusing to mediate? Yes or No. I need to know. If so, I will file a Motion with the Court compelling you to attend mediation. This is not the first time we have talked about mediation.

Please let me know regarding the latest version of the injunction order and if you can agree. Then, we can forego the mediation and resolve this matter.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 5:53 PM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:

This is what is written in the scheduling order. We are in April.

Mediation Deadline: The parties shall jointly select a mediator and mediate on or before March 19, 2010. Within seven days after the mediation, the parties shall jointly prepare and file a written report, which shall be signed by counsel for each party, detailing the date on which the mediation was held, the persons present (including the capacity of any representative), and a statement informing the Court of the effect of their mediation and whether this case has been settled by agreement of the parties.

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 17:45:48 -0500

It is the scheduling order you referenced earlier.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 5:43 PM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:

Can you please provide me with a copy of the order?

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 17:38:04 -0500

We are still under an order to mediate, even if the deadline was missed.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 5:29 PM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:

{ Posted it without mention my name, it is really simple. You want to attract the media or pursue Google, you can do it without causing my name to appear on online search engines. It isn't that hard to agree on it.

About the mediation wasn't the deadline for it was March 19, 2010. Under which rule are you requesting for mediation? My mom had debt on her credit card in order to come for a hearing to Texas. Despite my medications and other bills. You are asking me for when I can travel to Texas when i cannot afford coming to Texas multiple times. I have debt to UIC for \$678 because i withdrew from the semester because i couldn't be a full time student during spring of 2010 because of my medical state.

I have an exam this Thursday on my incomplete organic chemistry 2 course and i need to do good in it and on the final to graduate.

I tried my best to settle this controversy in every possible way but the plaintiff can't agree on not posting my name any where online. What will the plaintiff post online which will relate my name to it, I would like to know the level of postings because like i said this will attract audience of all kinds.

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 17:14:26 -0500

Your name is already connected with the lawsuit. "Online postings" is too broad, as I have said. We must post things online for the purposes of the lawsuit against Google. I am not sure how else I can tell you this. Furthermore, the Order will be available online and it is not a secret. You have to agree that we can post the Order that we are agreeing to online or there is no deal.

You still have not answered me regarding mediation. Please provide a response about when you are available for mediation here in Texas.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 5:09 PM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:

Ms Sacco,

I simply don't want my name to be related to a lawsuit consisting pornography, I don't want the plaintiff to write my name on any pornography sites, or his own website, or a blog that he might create to talk about the current controversy. I know my name appeared in a public record but it

only appears through the court system which I might file motion to seal the court dockets that consists my name. Google will not make a blog and talk about the current controversy and post my name in it.

{ My name does not appear relating to the lawsuit through Google search engine or any other search engine such as yahoo etc.

{ My name only appears relating to the Phi Eta Sigma award and in the near future it will appear related to various medical researches that I will conduct.

→ http://www.google.com/#hl=en&source=hp&q=%22mark+m.+bochra%22&aq=f&aqi=g10&aql=&oq=&gs_rfai=&fp=a2bb30ecf4f91972

If you want to add that, I may not contact Plaintiff's clients and use it for the language purpose in the stipulated injunction, you can add it but i cannot accept any further editing.

{ Put yourself in my place, where you still a college student, studying political science and you were wrongfully lawsuit in a case that concerns pornography, would you like your name to appear through various search engines and be related to a lawsuit with really extremely ambiguous legal claims, specially the assault with bodily harm. You wouldn't want to attract the media, people always love to talk and you can't stop it.

I have attached the reviewed permanent injunction form. Please, I don't want the plaintiff to mention my name on any site, it he wants to attract the media more, that is his free will but i don't want my name to appear or be related to a pornography lawsuit.

I can't agreed on any further changed, i don't want to be the center of this debate.

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 16:42:42 -0500

Mark,

We have not agreed upon anything as of yet. Your latest version is not acceptable:

You have deleted the part about not contacting Remove Your Content's clients. If you know someone to be a client of theirs, do not contact them. That is all we are asking for there. I thought it was pretty straightforward. You said you did not know their clients. So, if you know someone to be a client, then do not contact them. Simple.

You understand that when we pursue Google, those documents will be available online just as all of the documents related to this lawsuit are available online. They are public record. Certainly, your name has come up in the issues with Google. I anticipate they will come up again. If you want to state that Remove Your Content will not post your name in pornography/adult related forums, then we can probably agree to that. Will that be acceptable?

If that is the case, then we might be able to agree, but that is not what the injunction says. It says anything "related" to you, which is very broad. By the way, a copy of this injunction order will be available online in the court pleadings, as well, so that could be considered a posting with your name, as well.

If we can't agree, then I need a response from you regarding coming here for mediation. Thank you.

Ellen

From: Mark Bochra [mailto:mbochr2@live.com]

Sent: Monday, April 05, 2010 4:34 PM

To: esacco@attorneysforbusiness.com

Subject: RE: Response to Mediation:

Ms. Sacco,

I already know that Plaintiff will write about the lawsuit, for what purpose, that concerns him. He always states everything through various pornography sites. However, he should not mention my name, that is why there is this stipulated injunction form, you first agreed on it than rededicate it.

If plaintiff wants to write about the lawsuit, that is his right however he should not involve my name in the lawsuit, any further or by any means. However, i should advice you that by posting his views and the current controversy, this will bring more public attention and might bring some negative audience.

I don't want my name to appear or be related to a lawsuit that consists pornography. You can pursue google or the individual/s who is/are responsible for all this but I went through a lot in this suit and forget about it (that is what my mom and god taught me, to be forgiven). However, many harms that occurred to me and my family are unforgettable and the harm is still present (I am talking about a life here). The least would be for the Plaintiff not to mention my name any where.

I have attached the final version for the stipulated injunction, it satisfies both parties without causing any future harms.

I am trying to resolve this matter without any further harm to any parties. As i don't want to be put in a very uncomfortable situation considering the Plaintiff. Please let me know if you will agreed on the attached injunction, so i can sign it to be submit today to the court system.

Sincerely,

Mark

From: esacco@AttorneysForBusiness.com

To: mbochr2@live.com

Subject: RE: Response to Mediation:

Date: Mon, 5 Apr 2010 16:06:21 -0500

I have made a few additional changes. The attached is what we can agree to.

My client may need to post regarding the lawsuit online, because, as you know, we are pursuing Google for removal of the blogs and those pleadings in that case may overlap with some of the same items in this case and will be available online. We can agree not to post any of your personal information online.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 3:47 PM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:

Ms. Sacco,

You want me to admit that I have a business using a different name is an accusation, I use to work in UIC book store and later I worked in City Surgery, UIC medical department. If you want to use some language in the injunction, please try to use it without the accusations.

If you want to enforce the main jurisdictions, you can add that then if it might risk the order being denied.

I have edited the mediation again but i will not sign on the accusation, I haven't accused your plaintiff with any conducts and asked him or you to sign it. I should god welling graduate in May, and the graduation ceremony is in May. I don't need to write blogs about the Plaintiff so i removed that part but if you want to use as a language, then ok.

I have edited the form again, the only things i removed are:

- 1- That I am individual doing business under a different name etc..
- 2- i also removed the part where it forbids me from contacting remove your content clients.

I don't know his clients, I am skeptical about agreeing on this part as using it in the language because this is a prove of one of your legal claims.

Please look at the attachment. This should satisfy both parties without causing any accusations.

Sincerely,

Mark

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 15:15:07 -0500

Mark,

First, this is not a "mediation." A mediation is when the parties agree to meet in person (with a neutral third party called a mediator). We are trying to informally work out a settlement between us. This does not fulfill the Court's requirement of a mediation, which we still must do, if we are not able to work this out. Are you going to agree to come here to mediate the case, per the Court's order? Please let me know.

Second, the jurisdictional statement in the injunction is not legally adequate. That must be changed to what is was before or otherwise, there is a risk that the injunction against both parties is not enforceable. If you consult with an attorney, they will tell you this. The statement you have placed in there refers to

supplemental jurisdiction only and is not proper.

Also, I do not understand your position regarding the injunction terms or if there is a misunderstanding. You are not admitting to any wrongdoing in the injunction. I am not asking you to admit to any wrongdoing in the injunction. This is a settlement of our differences without either party admitting any wrongdoing or liability.

Both sides are agreeing to let the court order them not to do various things (including contact each other, defame each other, etc.). Neither party is saying that this happened in the past. They are just agreeing not to do so in the future. In order to make it enforceable, the Order must include language that the court is ordering the parties to do (or not do) certain items.

The statement below is simply a statement that the court is finding that Bochra is prohibited from doing certain items (1,2).

"The court finds that Bochra, individually and doing business under any other name or using any other entity, and his representatives, agents, employees, and those in active concert or participation with him, are permanently enjoined from directly or indirectly"

The same statement can be used with Remove Your Content. The Court order needs to have language in it with the Court ordering someone to do something or it will not be a proper order. In simple terms, the language is that the Court finds that the parties are enjoined from doing certain things. I need to have you (and anyone associated with you) included. For example, you want Remove Your Content not to post anything defamatory about you. What if I posted something (as Remove Your Content's representative). You would want that included in the order, as well. That is why the language (agents, representatives, employees, and those in active or participation with him) is included.

Further, you must agree not to make any postings about Remove Your Content online (via blogs or otherwise) or contact Remove Your Content's clients. I am not sure why you removed that part. I would think you could easily agree not to contact Remove Your Content's clients or customers.

Please let me know your thoughts.

Ellen

From: Mark Bochra [mailto:mbochr2@live.com]

Sent: Monday, April 05, 2010 2:57 PM

To: esacco@attorneysforbusiness.com

Subject: RE: Response to Mediation:

Ms. Sacco,

UIC has disclosed more information than just my name and address, I am skeptical to draw your attention to what they have disclosed considering plaintiff previous misconducts and my research that I conduct about him which puts me in a very uncomfortable situation.

{ You are still making accusations and want me to sign it, look at number (6) in your injunction form.
Claiming ambiguous claims:

It is like if I say "The court find that Remove Your Content LLC is engaged in unauthorized computer access." and ask you to agreed and sign it.

Further, saying: This Judgment of Permanent Injunction is based upon the agreement of the parties "is not subject to further appeal".

Please remove this part. I am also skeptical about the appeal part considering my limited understanding to law.

If you like to resolve this matter, you should not make accusations. I agreed to the injunction on me if you are skeptical that I will write about the harm of this lawsuit that caused it to me or a statement that you might consider defamatory. So agreeing that no one will write a statement about each other is the settlement. However, no need to make accusation and want me to sign it.

Please see attached, I have attached my version of the mediation, redacting the parts that I cannot agreed on, please let me know if you will agreed on it.

Sincerely,

Mark

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 14:23:28 -0500

Yes, Judge Stickney is aware of Google's response.

Mark, the information about your address (if that is what you are talking about) is available online. We did not obtain that information from the UIC.

I have revised the injunction for your review. Please see attached.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 10:46 AM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:

Dear Ms. Sacco,

Have you notify the court of Google's response, pending before the court is motion for preliminary injunction. And the case was held for 30 days since January 28, 2010.

Other parties like Google or AT&T if you send them UIC disclosure would not disclose my information publicly. My concern was related to the Plaintiff since his conducts has previously exposed me publicly and on various pornography sites.

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My address and name is not available through many channels, I disagreed.

My name only appear on the Phi Eta Sigma award. <http://www.uic.edu/honors/life/PhiEtaSigma/PhiEtaSigma-2006.shtml>

I will wait for the revised injunction that you are preparing.

Sincerely,

Mark

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 10:24:56 -0500

Mark,

Yes, I am referring to the scheduling order. We are still under an obligation to mediate, which would require you to come to Texas. I am trying to resolve this without the need for mediation, trial.

→ You have already agreed to jurisdiction by not challenging the jurisdiction and answering the lawsuit. That is the law. Further, as we are alleging copyright violations, that is a federal question and we do not have to prove damages of \$75,000+, although I think we can do that as well.

I will try to revise the injunction to incorporate the information you have requested in items 1 and 3 below. I know that we can't agree to destroy the UIC items, as I believe some of those items were already filed with the Court and/or were forwarded to Google in attempts to have them delete the blogs. I cannot control what other parties do with the information that we have already sent. I am not sure what information you are concerned about. I believe that your address and name are publicly available through many channels. If you believe that UIC wrongly gave us the information, then that is an item to take up with the UIC.

Let me see what I can draft up in the injunction and I will forward it to you for review.

Thank you.

From: Mark Bochra [mailto:mbochr2@live.com]
Sent: Monday, April 05, 2010 10:10 AM
To: esacco@attorneysforbusiness.com
Subject: RE: Response to Mediation:
Importance: High

Dear Ms. Sacco,

{ The order for mediation, you stated that the judge order for mediation but I don't see such order through the ecf system. If you're referring to the scheduling order, the deadline for mediation was March 19, 2009

However, I will be happy to mediate and forget the harm that the plaintiff have caused me and my family and you can review it under my filed motion for preliminary injunction how this suit

effected me, you previously offended me and i will also forget about it.

I have send you my mediation version which requests that

- 1- Plaintiff will not contact me by any means, or post my name or defamatory statement on any website.
- 2- To destroy the UIC disclosure information because it contains my sensitive information. Further, UIC had no right to disclose such information.
- 3- I will not write any statement about the plaintiff nor contact him even though I don't know the plaintiff or much about him as he knew about me through UIC disclosure.

However, in your mediation version you made several accusation and want me to sign them, you also want me to agreed on several jurisdiction one of which is 28 U.S.C. 1332(a), 1337, and 1338; many of these jurisdiction are not proven, in fact I don't know that the matter exceeded 75 thousand and the evidence that I conducted proved the opposite.

I have an exam this week and this suit is really affected and still affecting me. Not just my eduction but my health was affected and my family was affected by it.

Please let me know if you will agreed on my mediation version or a version that stipulates what I have mentioned in this e-mail.

I also would like to state this and please think about it, there are 3 common elements that cause hatred (1) Jealousy (2) Pride (3) Fear. When my friends asks me why do I forgive and help people even the ones that hates me during high school, my answer would be: why consume energy on hatred when I can consume it on love.

Sincerely,

Mark

From: esacco@AttorneysForBusiness.com
To: mbochr2@live.com
Subject: RE: Response to Mediation:
Date: Mon, 5 Apr 2010 09:17:58 -0500

Mark,

I am not sure what order you are talking about. All of the orders are available online. The Federal Rules of Civil Procedure are not specifically an order from the Judge. I did not disregard any court order.

I have also sent you copies already of the DMCA notices sent to Google. I have attached the latest notice to Google. I am not sure if this is what you were requesting. We did send additional notices earlier, which I have already sent to you. I will forward you Google's response in a separate email. Google has stated that they will not take the blogs down. I am not sure of their reasons. However, we intend to pursue Google.

Therefore, my client would like to resolve the suit with you via the Permanent Injunction that I sent to you last week for review. Among other things, the injunction will prevent you from contacting my client or its employees. My client would be glad to also agree not to contact you or anyone related to you. Please let me

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know your response regarding the proposed Permanent Injunction.

Thank you.

Ellen

From: Mark Bochra [mailto:mbochr2@live.com]

Sent: Saturday, April 03, 2010 11:42 AM

To: esacco@attorneysforbusiness.com

Subject: Response to Mediation:

Importance: High

Ms. Sacco,

On March 4, 2010, I received a letter from you asking me for documents production related to extremely ambiguous questions and you disregarded the court's settlement. Further, when i asked you for the copy of the DMCA you sent to Google to delete the blogs and my name that appears on Google because of the plaintiff's disparaging postings, you told me:

"Mark,

I am not going to go back and forth with you on this via email. The request to Google was not a subpoena. If you want responses from me on this, then you can follow the proper channels in the Federal Rules. Ellen"

Please e-mail me a copy of the DMCA notice you send to Google. If the judge gave an order, shouldn't I see it in the ecf system? Can you please forward me a copy of the judge order.

I have attached my version of mediation. Please let me know if you will agreed.

You're also sending me an e-mail during on Good Friday and during Easter which i don't appreciate.

Don't abuse my kindness any further.

Thank you.

Sincerely,

Mark

To: mbochr2@live.com

Subject:

Date: Fri, 2 Apr 2010 15:30:08 -0500

Mr. Bochra:

I am proposing to you that we attempt to resolve the case without the necessity of a trial. We were also ordered to mediation by the Judge, so I need to address that with you if we are unable

to resolve this.

As you probably know, my client is pursuing Google for removal of the blogs. Google has refused to do so, and my client will take the appropriate legal action. However, in order to resolve the matter between Remove Your Content and you, I am proposing that we agree to the attached injunction. You are not admitting that you posted the blogs. However, you are agreeing not to post anything in the future and agreeing not to contact Remove Your Content, etc.

Please review the attached and let me know, if we can work toward a resolution.

Thank you.

Ellen Cook Sacco
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Irving, TX 75038
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Facsimile: 214.441.3001
www.AttorneysForBusiness.com

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